

**SUPREME COURT MINUTES
THURSDAY, MAY 26, 2011
SAN FRANCISCO, CALIFORNIA**

S065233**PEOPLE v. SMITH (FLOYD
DANIEL)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Joseph E. Chabot's representation that he anticipates filing the appellant's reply brief by December 1, 2011, counsel's request for an extension of time in which to file that brief is granted to August 1, 2011. After that date, only two further extensions totaling about 120 additional days are contemplated.

S075727**PEOPLE v. JOHNSON
(CEDRIC JEROME)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Joseph E. Chabot's representation that he anticipates filing the appellant's reply brief by December 28, 2011, counsel's request for an extension of time in which to file that brief is granted to August 1, 2011. After that date, only three further extensions totaling about 150 additional days are contemplated.

S076169**PEOPLE v. PARKER
(GERALD)**

Extension of time granted

Good cause appearing, and based upon counsel Jeffrey J. Gale's representation that he anticipates filing the appellant's reply brief by February 2012, counsel's request for an extension of time in which to file that brief is granted to July 19, 2011. After that date, only four further extensions totaling about 210 additional days are contemplated.

S118045**PEOPLE v. ADAMS
(MARCUS)**

Extension of time granted

Good cause appearing, and based upon counsel Ronald R. Turner's representation that he anticipates filing the appellant's opening brief by June 22, 2011, counsel's request for an extension of time in which to file that brief is granted to June 22, 2011. After that date, no further extension will be granted.

S146939**PEOPLE v. CAPERS (LEE
SAMUEL)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to July 25, 2011.

S192784

H036143 Sixth Appellate District

**PEOPLE v. LARA (RICARDO
ANTONIO)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, the Sixth District Appellate Program is hereby appointed to represent appellant on the appeal now pending in this court.

Appellant's brief on the merits must be served and filed on or before (30) days from the date of respondent's opening brief on the merits is filed.

S193094**BAR ADMISSION
(FEBRUARY EXAM)**

General Bar admission order filed

The written motion #978 of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted as attorneys at law in all courts of the State of California upon their taking the prescribed oath before a competent officer on or after May 26, 2011, and within the time limits specified by Title 4, Division 1 of the Rules of the State Bar of California, is hereby granted:
(SEE ORIGINAL APPLICATION FOR THE LIST OF NAMES ATTACHED.)

S191614**PHARIS ON DISCIPLINE**

Recommended discipline imposed

The court orders that ALLISON RENEE PHARIS, State Bar Number 118291, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. ALLISON RENEE PHARIS is suspended from the practice of law for the first 30 days of probation;
2. ALLISON RENEE PHARIS must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on January 27, 2011; and
3. At the expiration of the period of probation, if ALLISON RENEE PHARIS has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

ALLISON RENEE PHARIS must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles. Failure to do so may result in

suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S191618**OPEL ON DISCIPLINE**

Recommended discipline imposed

The court orders that PAUL FREDERICK OPEL, State Bar Number 101874, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for four years subject to the following conditions:

1. PAUL FREDERICK OPEL is suspended from the practice of law for the first year of probation;
2. PAUL FREDERICK OPEL must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 28, 2011; and
3. At the expiration of the period of probation, if PAUL FREDERICK OPEL has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

PAUL FREDERICK OPEL must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

PAUL FREDERICK OPEL must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each of the years 2012, 2013, and 2014. If PAUL FREDERICK OPEL fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S191620**MORRISSEY ON
DISCIPLINE**

Recommended discipline imposed

The court orders that MICHAEL THOMAS MORRISSEY, State Bar Number 62195, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. MICHAEL THOMAS MORRISSEY is suspended from the practice of law for the first six

months of probation (with credit given for inactive enrollment, which was effective November 25, 2009, through January 25, 2010, and July 13, 2010, through September 12, 2010 (Bus. & Prof. Code, § 6233).)

2. MICHAEL THOMAS MORRISSEY must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on December 13, 2010; and
3. At the expiration of the period of probation, if MICHAEL THOMAS MORRISSEY has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

MICHAEL THOMAS MORRISSEY must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

MICHAEL THOMAS MORRISSEY must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S191623

MOSCARELLO ON DISCIPLINE

Recommended discipline imposed

The court orders that CATHERINE ANN MOSCARELLO, State Bar Number 216384, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and she is placed on probation for three years subject to the following conditions:

1. CATHERINE ANN MOSCARELLO is suspended from the practice of law for a minimum of the first year of probation, and she will remain suspended until the following requirements are satisfied:
 - i. She makes restitution to Kristin Buckley in the amount of \$1,500 plus 10 percent interest per year from November 26, 2007 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Kristin Buckley, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles;
 - ii. She makes restitution to Andrew J. Alvarez in the amount of \$1,299 plus 10 percent interest per year from May 1, 2009 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Andrew J. Alvarez, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles;
 - iii. She makes restitution to Dana Pesch in the amount of \$1,000 plus 10 percent interest

per year from June 1, 2009 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Dana Pesch, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles;

- iv. She makes restitution to Jeanne Delperdang in the amount of \$1,250 plus 10 percent interest per year from August 14, 2009 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Jeanne Delperdang, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles;
 - v. She makes restitution to Thomas Keyes in the amount of \$2,800 plus 10 percent interest per year from September 14, 2009 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Thomas Keyes, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles;
 - vi. She makes restitution to Tracy Frontella in the amount of \$1,848 plus 10 percent interest per year from October 7, 2009 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Tracy Frontella, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles;
 - vii. She makes restitution to Pam and Craig Sellmeyer in the amount of \$1,900 plus 10 percent interest per year from May 8, 2008 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Pam and Craig Sellmeyer, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles;
 - viii. She makes restitution to Laurie and John Hay in the amount of \$500 plus 10 percent interest per year from January 18, 2010 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Laurie and John Hay, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles; and
 - ix. She must provide proof to the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law before her suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
- 2. CATHERINE ANN MOSCARELLO must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on February 3, 2011.
 - 3. At the expiration of the period of probation, if CATHERINE ANN MOSCARELLO has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

CATHERINE ANN MOSCARELLO must also take and pass the Multistate Professional Responsibility Examination during the period of her suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

CATHERINE ANN MOSCARELLO must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with her membership fees for each of the years 2012, 2013, and 2014. If CATHERINE ANN MOSCARELLO fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S191624**MERDZINSKI ON
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that THOMAS HENRY MERDZINSKI, State Bar Number 152148, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

THOMAS HENRY MERDZINSKI must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S191625**MELTON ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that MICHAEL JOSEPH MELTON, State Bar Number 48323, is summarily disbarred from the practice of law and that his name is stricken from the roll of attorneys.

MICHAEL JOSEPH MELTON must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S191626**McDONOUGH ON
DISCIPLINE**

Recommended discipline imposed

The court orders that KEVIN CHRISTOPHER McDONOUGH, State Bar Number 99944, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following

conditions:

1. KEVIN CHRISTOPHER McDONOUGH is suspended from the practice of law for a minimum of the first two years of probation, and he will remain suspended until the following requirements are satisfied:
 - i. He must provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. KEVIN CHRISTOPHER McDONOUGH must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 28, 2011.
3. At the expiration of the period of probation, if KEVIN CHRISTOPHER McDONOUGH has complied with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

KEVIN CHRISTOPHER McDONOUGH must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

KEVIN CHRISTOPHER McDONOUGH must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S191629

KHOEI ON DISCIPLINE

Recommended discipline imposed

The court orders that SAYEH AYAZI KHOEI, State Bar Number 153814, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and she is placed on probation for three years subject to the following conditions:

1. SAYEH AYAZI KHOEI is suspended from the practice of law for the first six months of probation (with credit given for the period of inactive enrollment pursuant to Business and Professions Code section 6233, which was effective April 30, 2009, through November 22, 2010);
2. SAYEH AYAZI KHOEI must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on January 26, 2011; and
3. At the expiration of the period of probation, if SAYEH AYAZI KHOEI has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

SAYEH AYAZI KHOEI must also take and pass the Multistate Professional Responsibility

Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S191630**FRIEDLING ON DISCIPLINE**

Recommended discipline imposed

The court orders that RICHARD ANKER FRIEDLING, State Bar Number 155256, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. RICHARD ANKER FRIEDLING is suspended from the practice of law for the first 90 days of probation;
2. RICHARD ANKER FRIEDLING must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on November 10, 2010; and
3. At the expiration of the period of probation, if RICHARD ANKER FRIEDLING has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

RICHARD ANKER FRIEDLING must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

RICHARD ANKER FRIEDLING must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S191631**KNOWLES ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that WILLIAM BROOK KNOWLES, State Bar Number 138745, is summarily disbarred from the practice of law and that his name is stricken from the roll of attorneys.

WILLIAM BROOK KNOWLES must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7

and as a money judgment.

S191632**ESTRADA ON DISCIPLINE**

Recommended discipline imposed

The court orders that ROSE MARIE ESTRADA, State Bar Number 214510, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. ROSE MARIE ESTRADA is suspended from the practice of law for the first six months of probation;
2. ROSE MARIE ESTRADA must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 18, 2011 and
3. At the expiration of the period of probation, if ROSE MARIE ESTRADA has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

Unless ROSE MARIE ESTRADA has taken and provided proof of passage of the Multistate Professional Responsibility Examination as ordered on September 29, 2009, in Supreme Court case number S175005 (State Bar Court case Nos. 07-O-14615 and 07-O-14704), she must take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

ROSE MARIE ESTRADA must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with her membership fees for each of the years 2012, 2013, and 2014. If ROSE MARIE ESTRADA fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S191633**FITZGERALD ON
DISCIPLINE**

Recommended discipline imposed

The court orders that KATHLEEN MARGARET FITZGERALD, State Bar Number 145252, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and she is placed on probation for three years subject to the following conditions:

1. KATHLEEN MARGARET FITZGERALD is suspended from the practice of law for the

- first 90 days of probation;
2. KATHLEEN MARGARET FITZGERALD must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on January 26, 2011; and
 3. At the expiration of the period of probation, if KATHLEEN MARGARET FITZGERALD has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

KATHLEEN MARGARET FITZGERALD must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

KATHLEEN MARGARET FITZGERALD must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S191634**COLLINS ON DISCIPLINE**

Recommended discipline imposed

The court orders that RICHARD SAMUEL COLLINS, State Bar Number 162552, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and he is placed on probation for five years subject to the following conditions:

1. RICHARD SAMUEL COLLINS is suspended from the practice of law for a minimum of the first two years of probation, and he will remain suspended until the following requirements are satisfied:
 - i. He must provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii));
 - ii. He makes restitution to Taunya B. Haverfield in the amount of \$1,202.00 plus 10 percent interest per year from October 21, 2005 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Taunya B. Haverfield, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles; and
 - iii. He makes restitution to Richard Basil in the amount of \$1,080.00 plus 10 percent interest per year from March 17, 2006 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Richard Basil, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles; and
 - iv. He makes restitution to Mary Wheeler in the amount of \$250.00 plus 10 percent interest

per year from January 3, 2006 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Mary Wheeler, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles.

2. RICHARD SAMUEL COLLINS must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on January 27, 2011.
3. At the expiration of the period of probation, if RICHARD SAMUEL COLLINS has complied with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S191636**HOOVER ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that STEVEN GEORGE HOOVER, State Bar Number 57345, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

STEVEN GEORGE HOOVER must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

